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attempt in these cases is not to establish a divorce by estoppel, but to determine property rights. See *Marvin v. Foster* (1895) 61 Minn. 154, 160, 63 N. W. 484. But, it is submitted, the real question in the principal case is one of policy. Policy will not permit a divorce by estoppel. See *Ashdown v. Ashdown* (1919) 178 N. Y. Supp. 565, 566. A remarriage, where one party has a legal spouse, is void *Stein v. Dunne* (1907) 119 App. Div. 1, 103 N. Y. Supp. 894, *aff'd* 190 N. Y. 524, 83 N. E. 1132. It may be shown collaterally. *Stein v. Dunne, supra*. It follows, therefore, that the wife would not have any rights in the property of her second husband, and might become a charge on the state if not allowed rights in her legal husband's property. As between the legal husband and the state it seems that the burden should be cast on the former. Cf. *Jones v. Newton and Llanidloes Guardians* (1920) 124 L. T. R. (N. S.) 23; (1921) 21 COLUMBIA LAW REV. 384.

EVIDENCE—CORROBORATION—THIEF NOT AN ACCOMPLICE OF THE RECEIVER OF STOLEN GOODS.—The defendant was convicted of knowingly receiving stolen goods. The trial judge charged the jury that they might convict upon the uncorroborated testimony of the thief. On appeal, *held*, the charge was correct. *People v. Kupper-schmidt* (App. Div. 1st Dept. 1921) 189 N. Y. Supp. 858.

The giver of a bribe is uniformly held to be an accomplice of the receiver. *People v. Coffey* (1911) 161 Cal. 433, 119 Pac. 901. This is true despite the fact that the giving and receiving are separate offenses. In the case of perjury, the perjurer is an accomplice of the suborner. See *People v. Gilhooley* (1905) 108 App. Div. 234, 235, 95 N. Y. Supp. 936. Similarly, a purchaser of intoxicating liquors is an accomplice of the seller. *Chandler v. State* (Tex. 1921) 231 S. W. 108. Some jurisdictions hold, in accord with the principal case, that the thief is not an accomplice of the receiver of stolen goods. *Springer v. State* (1897) 102 Ga. 447, 30 S. E. 971; *State v. Kuhlman* (1899) 152 Mo. 100, 53 S. W. 416. The basis of these decisions is that larceny is a separate crime from receiving stolen goods. But an accomplice is one who might have been convicted as principal or as an accessory before the fact; and to warrant such conviction the accused must have taken part in the perpetration of, or preparation for the crime, with intent to assist therein. See *People v. Zucker* (1897) 20 App. Div. 363, 365, 46 N. Y. Supp. 766. Certainly, the thief who sells the goods takes part in the perpetration of the crime of receiving stolen goods. The test should be, not whether both parties have been guilty of the crime charged, or of any other crime, but rather whether both participated in the acts resulting in the crime. This view is upheld in some jurisdictions. *State v. Greenburg* (1898) 59 Kan. 404, 53 Pac. 61; *Rosen v. United States* (C. C. A. 1920) 271 Fed. 651. On grounds of logic and analogy, therefore, the decision in the instant case seems unsound.

EVIDENCE—INSANITY AS A DEFENSE IN CRIMINAL ACTIONS—BURDEN OF PROOF.—In a trial for murder, the jury were charged that the defendant must satisfy them that he was insane at the time the crime was committed. After a conviction the defendant appealed. *Held*, the accused need not satisfy the jury that he was insane. He need only establish his insanity by a preponderance of the evidence. A new trial was ordered. *State v. Hauser* (Ohio 1920) 131 N. E. 66.

Sanity of the accused is an essential element of the crime, as an insane person is incapable of having the *mens rea*. See *Davis v. United States* (1895) 160 U. S. 469, 485, 16 Sup. Ct. 353; Bishop, *New Criminal Law* (8th ed. 1892) § 376. Yet the state need not in the first place introduce any evidence of the defendant's sanity, because of the general presumption of sanity. The burden of going forward with evidence is therefore on the accused. See *Davis v. United States, supra*, 486. But after the accused has introduced evidence, the cases are divided as to who has the burden of proof. Some courts mistakenly reason, that because